AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
Raymund Joseph Cholod,
a/k/a "Raymond Cholod"
DOB: XXXXXX

Defendant(s)

Case: 1:22–mj–00237
Assigned To : Magistrate Judge Upadhyaya, Moxila A.
Assign. Date : 11/2/2022
Description: Complaint w/ Arrest Warrant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the _____ in the District of Columbia, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 111(a)(1)	(Assaulting, Resisting, or Impeding Certain Officers) ,
18 U.S.C. § 1751(a)(1) and (b)(1)(A)	(Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon) ,
18 U.S.C. § 1752(a)(2) and (b)(1)(A)	(Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon) .

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.

Complainant's signature

Nichole Lynn Jasper , Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 11/02/2022

Digitally signed by Moxila A. Upadhyaya
Date: 2022.11.02 13:05:04 -04'00'

Judge's signature

City and state: Washington, D.C.

Moxila A. Upadhyaya, U.S. Magistrate Judge
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	**Case No:**
	:	
v.	:	**VIOLATIONS:**
	:	
RAYMUND JOSEPH CHOLOD a/k/a "Raymond Cholod,"	:	**18 U.S.C. § 111(a)(1) (Assaulting, Resisting, or Impeding Certain Officers)**
Defendant.	:	
	:	**18 U.S.C. § 1751(a)(1) and (b)(1)(A) (Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon)**
	:	
	:	**18 U.S.C. § 1752(a)(2) and (b)(1)(A) (Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon)**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Nichole L. Jasper, being first duly sworn, hereby depose and state as follows:

PURPOSE OF AFFIDAVIT

1. I make this affidavit in support of an application for an arrest warrant for RAYMUND JOSEPH CHOLOD.

AGENT BACKGROUND

2. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), and, as such, am a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C). I am currently assigned to the FBI's Tampa Division, Domestic Terrorism Joint Terrorism Task Force ("JTTF"). In my duties as a special agent, I am assigned to investigate

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domestic terrorism cases, racially motivated violent crimes, and anti-government crimes. I successfully completed 21 weeks of New Agent Training at the FBI Academy in August 2021. During that time, I was trained in federal investigations, including domestic terrorism investigations. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021.

3. I am one of the investigators assigned to an ongoing investigation by the FBI, United States Capitol Police ("USCP"), Metropolitan Police Department ("MPD"), and other law enforcement agencies, of riots and civil disorder that occurred on January 6, 2021, in and around the United States Capitol grounds. Since I became involved in this investigation on January 6, 2021, I have conducted interviews, reviewed public tips, reviewed publicly available photos and video, and reviewed relevant documents, among other things.

4. The facts in this affidavit come from my review of the evidence, my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. Except as explicitly set forth below, I have not distinguished in this affidavit between facts of which I have personal knowledge and facts of which I have hearsay knowledge. This affidavit is intended to show simply that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

BACKGROUND

5. The United States Capitol is secured 24 hours a day by USCP. Restrictions around the United States Capitol include permanent and temporary security barriers and posts manned by USCP. Only authorized people with appropriate identification are allowed access inside the United

States Capitol. On January 6, 2021, the exterior plaza of the United States Capitol was also closed to members of the public.

6. On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, located at First Street SE, in Washington, D. C. During the joint session, elected members of the United States House of Representatives and Senate met in the United States Capitol to certify the vote count of the Electoral College for the 2020 Presidential Election, which took place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Michael R. Pence was present and presiding, first in the joint session, and then in the Senate chamber.

7. As the proceedings continued in both the House and the Senate, and with Vice President Pence present and presiding over the Senate, a large crowd gathered outside the United States Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the United States Capitol building and USCP were present, attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

8. At such time, the certification proceedings were underway, the exterior doors and windows of the Capitol were locked or otherwise secured. Members of the USCP attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the USCP, as others in the crowd encouraged and assisted those acts.

9. Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President

Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

10. During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the United States Capitol building without authority to be there.

STATEMENT OF FACTS SUPPORTING PROBABLE CAUSE

A. The Defendant

11. In the days following January 6, 2021, the FBI Washington Field Office ("WFO") opened a file on an unknown male subject who would later be identified as RAYMUND JOSEPH CHOLOD. WFO posted to the Internet a "Be on the Lookout" ("BOLO") for the individual depicted below (at the time referred to as "260-AFO"):

260-AFO A

260 AFO-B

260 AFO-C

12. On or about February 12, 2022, the FBI received a tip from a confidential source ("CS-1") that 260-AFO was possibly "Ray Cholard" who resided in Tallahassee, Florida. CS-1 provided a link to a publicly accessible website of a Tampa Bay, Florida-based organization (the "Organization"), which redirected to a YouTube page that contained a video that listed "Ray Cholod"[1] as a guest speaker at the Organization in a video dated May 9, 2017. I have since reviewed the Organization's website, as well as the affiliated YouTube page, and have observed that the individual listed as "Ray Cholod" closely resembles 260-AFO, including that each has a distinctive scar on his face.

13. Based on my review of law enforcement databases, I have determined that the address of a particular motel in St. Petersburg, Florida (the "Motel") was associated with CHOLOD.

[1] I believe that "Cholard" was either a mis-typing or misspelling of "Cholod."

14. On or about May 10, 2022, I interviewed an individual ("Person-1") who worked at the Motel. I showed Person-1 three photographs -- two photographs of BOLO 260-AFO from the January 6, 2021 riot in Washington, D.C. and one photograph of "Ray Cholod" from the Organization's website. Person-1 stated that the individual in the pictures "looked familiar" and had stayed at the Motel in 2019 and previously. Person-1 recalled the person's name was "Ray" and then spelled the person's name as "C-H-O-L-O-D, CHOLOD."

15. I then spoke to another individual ("Person-2") and showed Person-2 the three photographs described in paragraph 14. Person-2, who also worked at the Motel, was able to identify the person in the photographs as Ray Cholod who had stayed at the Motel in 2019.

16. On or about May 31, 2021, I interviewed an individual ("Person-3") and showed Person-3 the three photographs described in paragraph 14. Person-3 identified the person in the photographs as Raymund Cholod who was an individual with whom Person-3 had worked in the past. Person-3 was a direct supervisor of Raymund Cholod when they worked together.

17. I have reviewed photographs and video from the January 6, 2021 riot in Washington, D.C., specifically incidents depicting BOLO 260-AFO and the involvement of BOLO 260-AFO in the riot. I have also reviewed a known image of Raymund Joseph Cholod from a Florida Driver's License issued to Raymund Joseph Cholod. Based on that review, I have observed that 260-AFO and Raymond Joseph Cholod very closely resemble each other. Based on my review of Florida Driver and Vehicle Information Database, I have also learned that, on or about September 26, 2016, Raymond Cholod requested that the name on his driver's license be changed to "Raymund."

18. Based on the information outlined above, I believe that AFO-260 is RAYMUND JOSEPH CHOLOD.

B. <u>The Defendant's Conduct on January 6, 2021</u>

19. On January 6, 2021, a stage for the Presidential Inauguration was being constructed on a terrace on the west side of the Capitol building (the "Lower West Terrace"). At approximately 2:40 p.m., police officers entered a passageway that connected the Lower West Terrace and the interior of the U.S. Capitol building (the "Tunnel") and began to form a protective line with riot shields behind a set of glass doors inside of the Tunnel . Soon thereafter, numerous rioters entered the Tunnel passing through an arched entrance (the "Archway"). At approximately 2:41 p.m., CHOLOD walked through the Archway and entered the Tunnel, as depicted below:

20. Another individual in the Archway filmed a clear view of CHOLOD's face as he turned around to briefly face the Lower West Terrace:

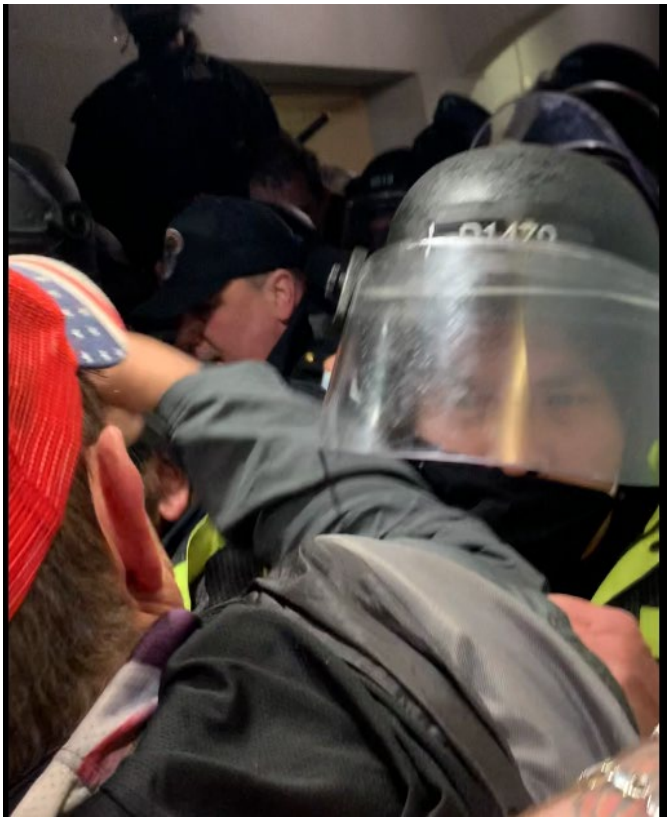
21. CHOLOD watched as other rioters exited the Tunnel, then himself advanced farther into the Tunnel, towards the interior of the Capitol building, until he was positioned immediately in front of the line of police officers:

Patriot
STOP CONGRESSIONAL
CORRUPTION

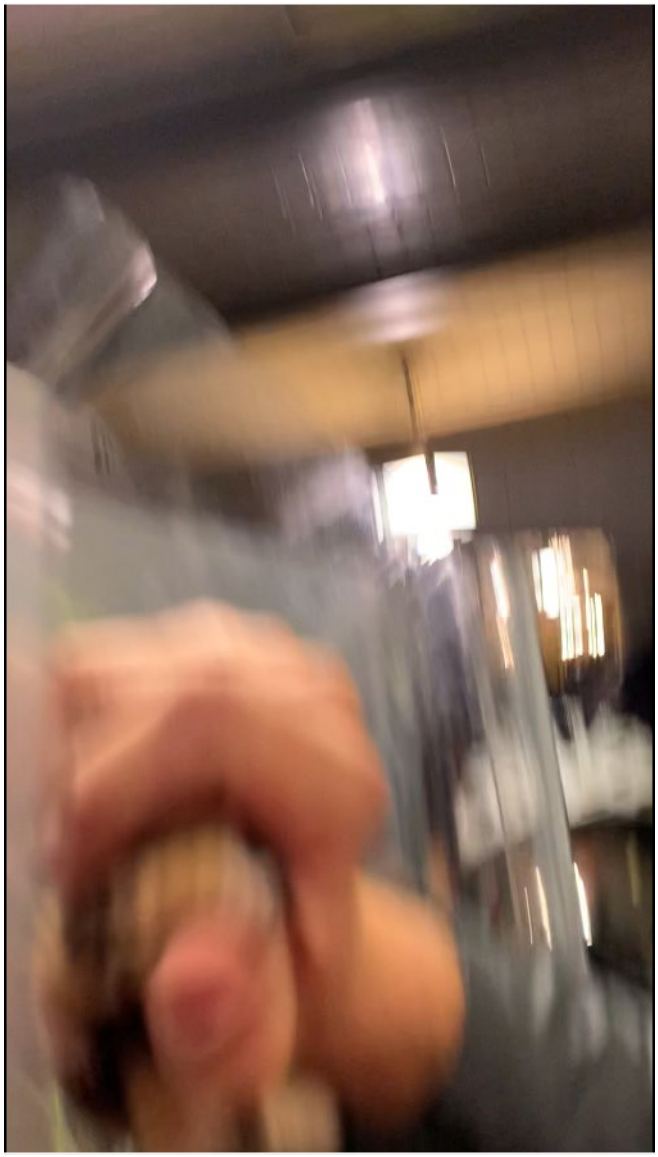
Trump
2020

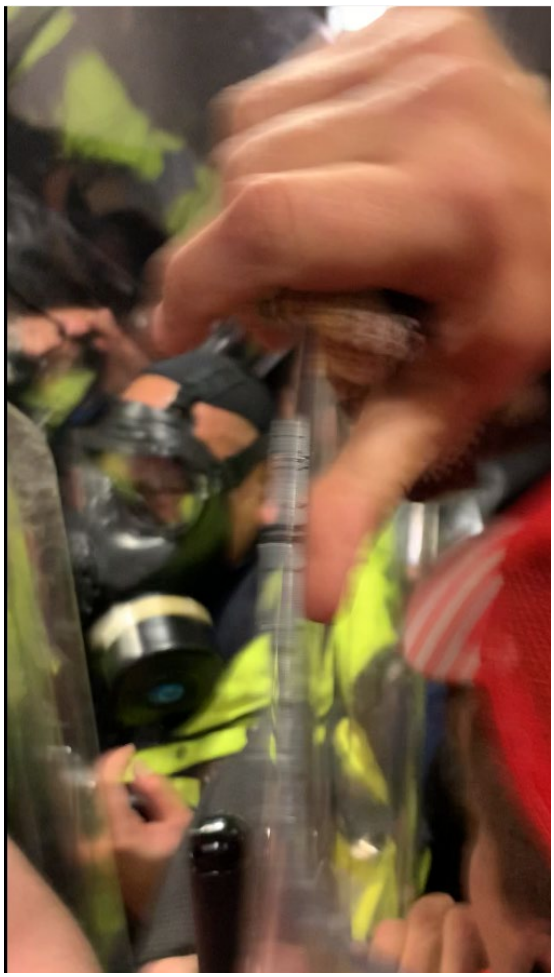
22. CHOLOD pointed and shook his finger at the officers and shouted, "This is our house . . . This is our fucking house. They fucking stole it and you fucking know it. They stole it and you know it. They fucking stole it."

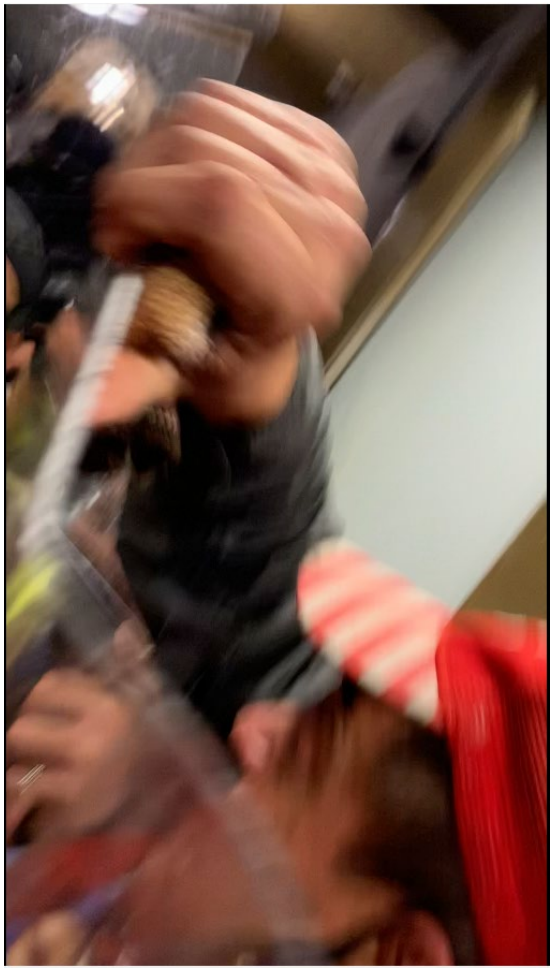
23. At approximately 2:45 p.m., CHOLOD pushed his arm and elbow into a police officer's face and neck, as depicted below:

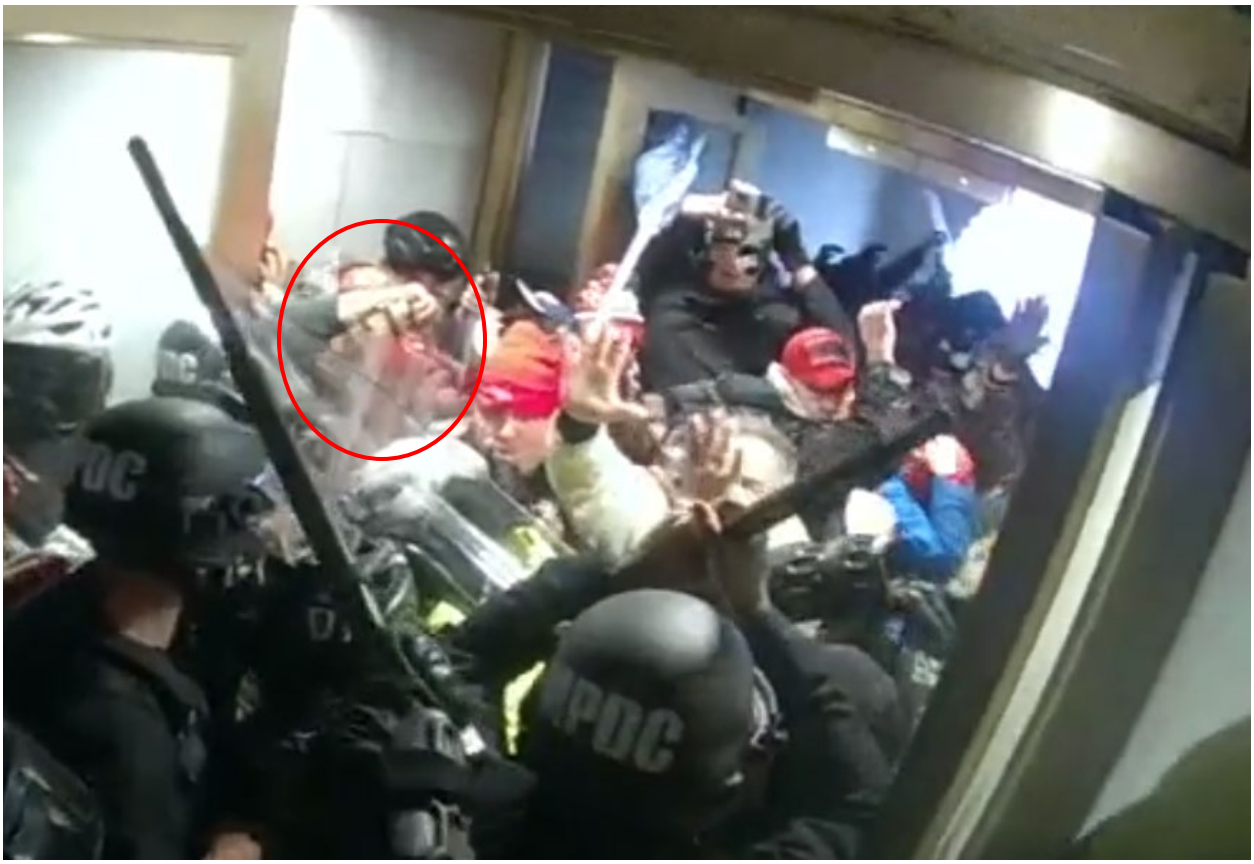


24. Less than a minute later, CHOLOD first pushed against a police riot shield, then grabbed it and attempted to pull it away from police officers, as depicted below:



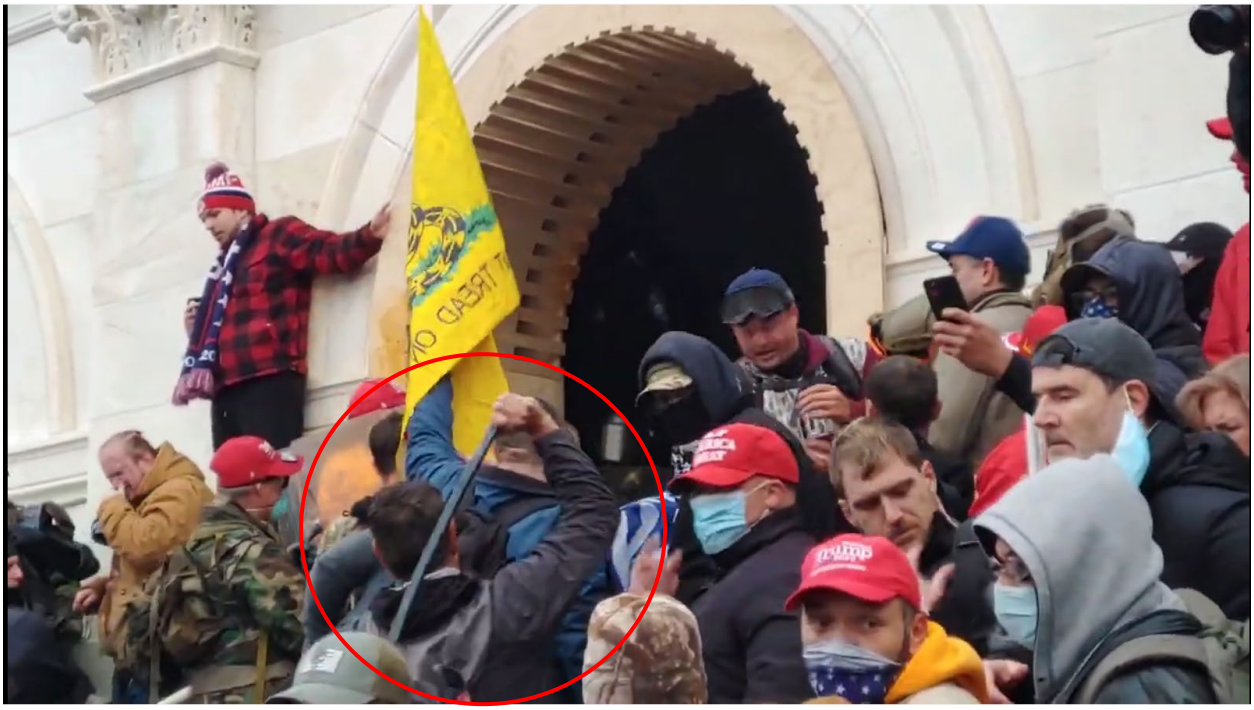






25. Later in the day, CHOLOD was positioned on a set of steps on the Lower West Terrace leading up to the entrance to the Tunnel:

26. CHOLOD bent over as though to pick something up. When he stood up, he was holding what appears to be a baton or a stick. CHOLOD then threw the item toward the entrance to the Tunnel, where a line of police officers was positioned.



CONCLUSION

27. Based on the foregoing, your Affiant submits that there is probable cause to believe that:

a. RAYMUND JOSEPH CHOLOD violated 18 U.S.C. §§ 111(a)(1) (Assaulting, Resisting, or Impeding Certain Officers or Employees), which make it unlawful to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in Section 1114 of Title 18 while engaged in or on account of the performance of official duties. For purposes of Section 111 of Title 18, United States Capitol Police Officers and Metropolitan Police Department Officers who responded to assist United States Capitol Police Officers on January 6, 2021 constitute persons designated in Section 1114 of Title 18.

b. RAYMUND JOSEPH CHOLOD violated 18 U.S.C. § 1752(a)(1) and (2), and (b)(1)(A) (Entering and Remaining in a Restricted Building or Grounds and Disorderly and Disruptive Conduct in a Restricted Building or Grounds, with a Deadly or Dangerous Weapon), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions, and provides additional penalties for anyone who, during an in relation to the offense uses or carries a deadly or dangerous weapon. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will

be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Nichole L. Jasper
Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 2nd day of November 2022.

Digitally signed by Moxila A. Upadhyaya
Date: 2022.11.02 13:03:29 -04'00'

MOXILA A. UPADHYAYA
UNITED STATES MAGISTRATE JUDGE